

### **FACTS Regarding alliance Letter**

A document written in opposition to the Senior Housing Bylaw has been circulated recently. The document appeared to be written by a recently formed alliance, though members of the alliance were not identified. The document contained factual errors or innuendos which should be corrected or clarified so voters can make clear and informed judgments at Town Meeting. These errors and factual information are set forth below. (**bold** text is quoted from the recently circulated document)

**“We recognize that such a bylaw may provide housing options to seniors, offer development options for landowners, and deliver needed revenue to ease the financial pressures on the Town and individual taxpayers”.** This is actually quite factual. Many feel that these are viable reasons to pursue a Senior Housing Bylaw. These are in fact the primary purposes of the Bylaw. Furthermore, you should know that:

- At the December, 2007 All-Board Meeting of Hamilton public officials, a majority of those present urged the Planning Board to submit a Senior Housing Bylaw for Town Meeting approval; The Planning Board did not revisit this issue at its own initiative.
- The Bylaw as written contains less density and many more controls than found in bylaws of other towns
- To achieve maximum density of 4 units per acre, the Planning Board would require any applicant to achieve numerous public benefits. The density norm in other bylaws we have surveyed is 7 units per acre and public benefits are not encouraged.
- The bylaw has been drafted based on twelve meetings of a group of residents, the Senior Housing Working Group, which proposed many of the sections of the bylaw, and following public meetings and hearings.

**“Projects could be developed in any area in town”.**

- To the extent that statement was intended to raise concerns over development of
- open space parcels, it fails to note the substantial controls that the Planning Board has over site location, appropriateness, suitability, screening, etc.
- The bylaw mandates a minimum parcel size, and contains many requirements which a parcel must meet in order to be developed for senior housing.
- Unlike any other senior housing bylaw we have seen, the proposed bylaw contains Section 11. “Minimum Distance Between Projects”, which establishes a minimum of 1/3 of a mile up to one mile separation between existing and proposed multi-family and new proposed projects.

**“This bylaw would allow a developer to do things “by right” that may not be appropriate...”**

- Wrong! The Bylaw does NOT allow a developer to do things “by right”.
- The Bylaw requires a Special Permit from the Planning Board. A Special Permit is very discretionary, and can be denied by the Board. To achieve a Special Permit, the developer

will have to engage with abutters, interested citizens, the Planning Board and others in a very open, public, deliberative and negotiated process.

- A Special Permit requires a public hearing, legal notice, abutter notification, and a set of criteria which must be met. It does not “allow a developer to do things “by right””
- “By right” would mean that an applicant would just need to submit an application, meet criteria, and would receive a permit automatically. A Building Permit in most cases is a “by-right” permit, if the proposed structure meets all requirements of all relevant bylaws.
- A Special Permit may impose conditions to protect the town, the neighborhood, and the residents.
- It should be noted that once approved in a municipality for a certain location, M.G.L. 40R, “Smart Growth Zoning Districts”, requires “by right” development of 20 units per acre for multi-family units. The Planning Board supports M.G.L. 40R in the proper location, but not for all locations. In contrast, the Senior Housing Bylaw allows a maximum of 4 units per acre, which is arrived at only by implementing approved public benefit incentives.

**“The Senior Housing Bylaw is being proposed despite “...the excess supply and weak demand for senior housing on the North Shore today”**

- None of the projects cited are on the North Shore.
- At this point in time, the real estate market is weak, generally, but the Town is not encouraging market timing. The Town and Planning Board are working hard now in order to plan for the future, when the housing market has improved.
- There are many successful over-55 projects which have fared well despite the current very poor real estate market: The Maples in Wenham, Brooksby Village in Peabody, and Great Hill in Topsfield are a few
- The Metropolitan Area Planning Council (MAPC) estimates a 74% increase in the senior-age population by 2030.

**“It delegates all control over developments to the Planning Board and takes away your vote”.**

- There are only a handful of communities that require a Town Meeting vote for senior housing projects. A document written by the Planning Board refutes a recent claim that six projects cited on the North Shore all had Town Meeting approval, when in fact only one of the six projects required Town Meeting approval.. (See *FACTS- Over-55 Housing on the North Shore*).
- Bylaw development is appropriately left to the Town Meeting, with administration undertaken by a Town Board or Committee. The seven Planning Board members are elected by you. So you have a vote of approval of the Bylaw, a vote to remove one or more Planning Board members and an opportunity to amend the Bylaw in the future. Eliminating a Town Meeting vote for every project avoids politicizing each project.
- The Special Permit process established by the Bylaw is inclusive of voters.

**“The proposed bylaw needs significant revisions...”**

- In Winter/Spring of 2006/2007, the Planning Board held meetings and a public hearing which took place over three nights, and as result of input from those meetings, 75 revisions were made to the draft bylaw. Many of the revisions were significant.
- Following the May 2007 Town Meeting input, the maximum number of units permittable townwide has been reduced from 150 to 100.
- Clustering has been mandated for any project in the R1-b and RA districts. The purpose of “clustering” is to preserve open space. The bylaw requires open space preservation in those districts.

**“We have repeatedly made these suggestions to the Planning Board, and they have been ignored”.** The Planning Board held a well-publicized and noticed Public Hearing on March 4, 2008. The following revisions, in addition to those listed above, were made as a result of input received prior to and at that hearing:

- assembling of parcels to create a larger parcel is prohibited
- the Minimum Distance Between Projects has been refined
- the minimum parcel size has been increased in the R1-a District
- preservation of existing trails has been added as a criteria for approval
- many other revisions to text have been made due to input received.

At that hearing:

- Town Meeting vote was mentioned by only one resident present. It was not requested.
- The Public Hearing was closed on the evening of March 4<sup>th</sup>, after those present had spoken.

**“Lets work together...and find other thoughtful, long-term solutions to Hamilton’s challenges!”**

- Public officials are working diligently to find solutions to Hamilton’s problems.
- Read the “Minutes of the All-Board Meeting of December 1, 2007”, posted at [www.hamiltonma.gov](http://www.hamiltonma.gov). We need to add many tools to the toolkit.
- There is not just one solution for all of Hamilton’s challenges: need for revenue, which includes attempts to make downtown and the landfill economically viable; the need for more housing options especially for younger and older people; and the need for options to develop land other than as single-family residential homes.
- The proposed bylaw is just one of many **“thoughtful, long-term solutions to Hamilton’s challenges!”**

This document has been written by Dorothy Stookey, on behalf of the Hamilton Planning Board, on April 25, 2008. Please contact the Planning Board Office at 978-468-5584, [planningboard@hamiltonma.gov](mailto:planningboard@hamiltonma.gov), if you have questions, and someone will be in touch with you.